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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,682	08/10/2001	Byung Han Kim	9597-P67034US0	4316
136	7590	05/20/2004	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			CHEN, PO WEI	
			ART UNIT	PAPER NUMBER
			2676	8

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,682

Applicant(s)

KIM, BYUNG HAN

Examiner

Po-Wei (Dennis) Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 8-10 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

In response to an Amendment received on March 19, 2004. This action is final.

Claims 1, 5-6 and 8-10 are pending in this application. Claims 1, 5 and 9 are independent claims.

The present title of the invention is "Picture Adjustment Method and Apparatus for Video Display Appliance".

The Group Art Unit of the Examiner case is now 2676. Please use the proper Art Unit number to help us serve you better.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraka et al. (US 6,400,377; refer to as Hiraka herein) in view of Kabeya et al. (US 5,331,337; refer to as Kabeya herein), McCain et al. (US 6,129,449; refer to as McCain herein), Gram (US 5,287,514) and Watanabe et al. (US 5,717,848; refer to as Watanabe).

3. Regarding claim 1, Hiraka discloses a video monitor adjustment system comprising:

A picture adjustment, method for a video display appliance for providing diverse picture adjustment functions through a plurality of picture adjustment OSDs (lines 4-65 of column 7 and Fig. 9 and 15A-H);

(a) picture adjustment OSDs (lines 4-65 of column 7 and Fig. 9 and 15A-H);

(b) if entry into a picture adjustment process is commanded, displaying a plurality of picture adjustment OSDs (lines 20-65 of column 7 and Fig. 9, 13A-B and 15A-H);

(c) if a command for picture adjustment is inputted through any one of the displayed picture adjustment OSDs, displaying any one of the plurality of picture adjustment OSDs as a first picture adjustment OSD and displaying an alternative picture adjustment OSD if the user requests display thereof while displaying the first picture adjustment OSD (lines 44 of column 6 to line 45 of column 8 and Fig. 9, 11 and 13A-B);

(d) performing the picture adjustment in accordance with the inputted command for picture adjustment (lines 41-65 of column 8 and Fig. 11 and 15A-H);

Hiraka does not disclose entering a menu for determining an accessibility or inaccessibility and storing information on the accessibility or inaccessibility in a memory. Gram discloses a method for customizing a user menu utilizing the method (lines 62-68 of column 4 and Fig. 1; while claim recites accessibility or inaccessibility, it is noted that each item available for display in the menu can be added (accessible) or removed (inaccessible) by the user. Also, in Fig. 1, it is noted that the setting can be saved which corresponding to saving in a memory). It would have been obvious to one of ordinary skill in the art to utilize Gram to provide the flexibility in customizing any menu driven user interface to meet the needs of individual user's requirements (lines 62-68 of column 2 and lines 60-64 of column 3, Gram).

The combination of Hiraka and Gram does not disclose determining accessible OSD menu and checking OSD menu is accessible. Kabeya teaches a menu screen for data processing that determine and checking available or accessible menu items (lines 32-46 of column 4). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kabeya to

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provide the function of allowing user to know which menu items are available by simply taking a look at the screen and thus provides a high levels of efficiency (lines 48-52 of column 2, Kabeya).

The combination of Hiraka, Gram and Kabeya does not disclose displaying in colors corresponding to the pre-determined accessibility. Watanabe disclose an operational screen for generating objection motion path that "Each menu is displayed at a normal lightness when the menu can be selected, an with a dark color when it cannot be selected (lines 34-35 of column 25). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Watanabe to provide the user the ease of selecting functions from the menu with visual aid.

The combination of Hiraka, Gram, Kabeya and Watanabe does not disclose ignoring the inputted command. McCain discloses a menu screen for a communication device that "receipt of an improper input will be ignored as a means of error checking" (lines 1-4 of column 7). It would have been obvious to one of ordinary skill in the art to utilize the teaching of McCain to provide the function of prevent any input error. Further, McCain, like Hiraka, is directed to the display of information and the process of a user selecting data from a menu.

***Allowable Subject Matter***

4. Claims 5-6 and 8-10 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Prior art references do not anticipate or suggest the limitation "determining whether the picture adjustment is accessible if a power source of the video display appliance is turned on with simultaneous input of predetermined two or more keys" in combination with the other claim limitations in claims 5 and 8-9.

Prior art references do not anticipate or suggest the limitation "inputting a command for termination of the determination of the picture adjustment accessibility or inaccessibility such that all picture adjustment OSDs are accessible" in combination with the other claim limitations in claim 10.

***Response to Arguments***

6. Applicant's arguments filed March 19, 2004 have been fully considered but they are not persuasive.

Applicant argues that the references do not teach or suggest limitations recited in claim 1. However, this is known in the art taught by Hiraka in view of Kabeya, McCain, Gram and Watanabe, statements presented above, with respect to claim 1 are incorporated herein. Hiraka teaches a video monitor adjustment system utilizing plurality of picture adjustment OSDs (lines 4-65 of column 7 and Fig. 9, 13 and 15A-H). Hiraka does not disclose determine the accessibility of the OSDs menu, displaying in colors corresponding to the pre-determined accessibility, and ignoring inputted command. The combination of Gram, Kabeya, Watanabe and McCain utilizes the method (lines 62-68 of column 4 and Fig. 1, Gram; lines 32-46 of column 4, Kabeya; lines 34-35 of column 25, Watanabe; lines 1-4 of column 7, McCain). It is noted that Hiraka does not disclose the limitation which are directed to manipulating the menu interface of the plurality of picture adjustment OSDs. It would have been obvious to one of ordinary skill in the art to utilize the teaching of Gram, Kabeya, Watanabe and McCain to provide a better graphical interface menu such as one disclosed by Hiraka allowing user to operate with higher efficiency and flexibility.

The Applicant further argues that there is no motivation to combine Watanabe with the combination of Hiraka and Gram. However, the combination of Hiraka and Gram disclose a video monitor adjustment system utilizing plurality of picture adjustment OSDs where the accessibility is determined. And by combining with Watanabe, the inaccessible menu items are displayed in different colors, instead of removing. It would have been obvious to one of ordinary skill in the art to utilize the teaching of Watanabe to provide a better menu allowing user to operate with higher flexibility using visual aid such as colors.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

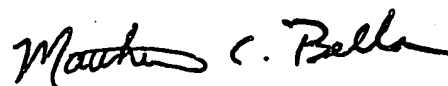
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
Examiner  
Art Unit 2676

Po-Wei (Dennis) Chen  
May 12, 2004



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600